STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION





PATRICIA W. AHO COMMISSIONER

Samuel Patterson Knox County Warren, Maine A-1097-71-A-N

Departmental Findings of Fact and Order **Air Emission License**

FINDINGS OF FACT

After review of the air emission license application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes Annotated (M.R.S.A.), §344 and §590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

Samuel Patterson has applied for an Air Emission License permitting the operation of a hot mix asphalt plant in Warren, Maine.

The main office is located at 1091 Commercial Street, Rockport, Maine.

B. Emission Equipment

Asphalt Plant

Equipment	Process Rate (tons/hour)	Design Capacity <u>Firing</u> Rate	Control Devices	Date of Manufacture
Drum mix	80	30 MMBtu/hr,	Baghouse	2014
asphalt plant		0.5% sulfur #2 fuel oil		

Heating Equipment

	Maximum		
<u>Equipment</u>	<u>Capacity</u>	Fuel Type	Maximum Firing Rate
Asphalt Heater	1.0 MMBtu/hr	0.5% sulfur	7.2 gal/hr
		#2 fuel oil	

This facility also has a 40 kW portable generator. This equipment is considered an insignificant activity and noted for inventory purposes only.

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C. Application Classification

The facility is classified as an new source that is applying for its first air emission license. The Department has determined the facility is a minor source and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended). With the fuel limit on the asphalt plant and heater, the facility is licensed below the major source thresholds for hazardous air pollutants (HAP) and is considered an area source of HAP.

II. BEST PRACTICAL TREATMENT

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (as amended). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in 06-096 CMR 100. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Asphalt Plant

The portable drum mix asphalt plant is rated at 80 tons/hr with a 30 MMBtu/hr burner firing #2 fuel oil. Fuel use shall not exceed 200,000 gallons per year on a calendar year basis.

Prior to July 1, 2016 or by the date otherwise stated in 38 MRSA §603-A(2)(A)(3), the #2 fuel oil fired in the asphalt plant shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning July 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). The specific dates contained in this paragraph reflect the current dates in the statute as of the effective date of this license; however, if the statute is revised, the facility shall comply with the revised dates upon promulgation of the statute revision.

The portable drum mix asphalt plant was manufactured in 2014 and is therefore subject to the Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) 40 Code of Federal Regulation (CFR) Part 60,

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Subpart I Standards of Performance for Hot Mix Asphalt Facilities constructed or modified after June 11, 1973.

The BACT emission limits for the asphalt plant were based on the following:

PM/PM₁₀ - 0.03 gr/dscf and 2.72 lb/hr and the use of a baghouse SO₂ - based on firing ASTM D396 compliant #2 fuel oil (0.5% sulfur); 0.5 lb/MMBtu

NO_x - 0.055 lb/ton based on AP-42, Table 11.1-7, dated 3/04

CO - 0.13 lb/ton based on AP-42, Table 11.1-7, dated 3/04

VOC - 0.032 lb/ton based on AP-42, Table 11.1-8, dated 3/04

Opacity - 06-096 CMR 101 or previous BACT

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The BACT emission limits for the asphalt plant are the following:

	PM	PM ₁₀	SO_2	NO _x	CO	VOC
Unit	(lb/hr)	<u>(lb/hr)</u>	<u>(lb/hr)</u>	<u>(1b/hr)</u>	<u>(lb/hr)</u>	<u>(lb/hr)</u>
Asphalt Plant	2.72	2.72	15.44	4.40	10.40	2.56

Opacity - 06-096 CMR 101, *Visible Emission Regulation*: visible emissions from the asphalt batch plant baghouse shall not exceed 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. This is more stringent than the 40 CFR Part 60, Subpart I PM limit of 20% opacity.

General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

Control Equipment

The portable asphalt drum plant shall be controlled by a baghouse.

Periodic Monitoring

The performance of the baghouse shall be constantly monitored by either one of the following at all times the drum mix asphalt plant is operating:

- 1. PM detector when the detector signals excessive PM concentrations in the exhaust stream, Samuel Patterson shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
- 2. Personnel with a current EPA Method 9 visible emissions certification when the opacity exceeds 20%, the hot mix asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

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Samuel Patterson shall keep records of baghouse failures and baghouse maintenance.

Samuel Patterson shall keep records of fuel use and receipts for the drum mix asphalt plant which shall be maintained for at least six years and made available to the Department upon request.

Per 40 CFR Part 60, Subpart I, Samuel Patterson shall conduct a performance test for PM within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after initial startup of such facility. Per 40 CFR Part 60, Subpart I, §60.93(b)(1), the facility shall use Method 5 to determine the PM concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).

The drum mix asphalt plant may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil.

C. Asphalt Heater

The Asphalt Heater has a maximum capacity of 1.0 MMBtu/hr, firing #2 fuel oil which meets the criteria in ASTM D396 (maximum sulfur content of 0.5%). The heater was manufactured in 2014. The fuel fired in the Asphalt Heater shall be included in the asphalt plant fuel use limit of 200,000 gallons/year.

1. BACT Findings

The BACT emission limits for the heater were based on the following:

PM/PM_{10}		0.08 lb/MMBtu based on 06-096 CMR 115, BACT
SO_2	_	based on firing ASTM D396 compliant #2 fuel oil (0.5%
		sulfur); 0.5 lb/MMBtu
NO_x	_	20 lb/1000 gal based on AP-42, Table 1.3-1, dated 5/10
CO		5 lb/1000 gal based on AP-42, Table 1.3-1, dated 5/10
VOC	_	0.34 lb/1000 gal based on AP-42, Table 1.3-3, dated 5/10
Opacity	_	06-096 CMR 101

The BACT emission limits for the heater are the following:

	PM	PM_{10}	SO_2	NO_x	CO	VOC
Unit	<u>(lb/hr)</u>	<u>(lb/hr)</u>	<u>(lb/hr)</u>	<u>(lb/hr)</u>	<u>(lb/hr)</u>	<u>(lb/hr)</u>
Asphalt Heater	0.08	0.08	0.51	0.15	0.04	neg

Visible emissions from the Asphalt Heater shall not exceed 20% opacity on a 6-minute block average, except for no more than one (1) six (6) minute block average in a 3-hour period.

Prior to July 1, 2016 or by the date otherwise stated in 38 MRSA §603-A(2)(A)(3), the #2 fuel oil fired in the Asphalt Heater shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning July 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). The specific dates contained in this paragraph reflect the current dates in the statute as of the effective date of this license; however, if the statute is revised, the facility shall comply with the revised dates upon promulgation of the statute revision.

2. 40 CFR Part 63 Subpart JJJJJJ

The Asphalt Heater is not subject to the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources* (40 CFR Part 63 Subpart JJJJJJ) because it heats asphalt and not water/steam.

D. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour.

E. General Process Emissions

Visible emissions from any general process (conveyor belts, bucket elevators, bagging operations, truck loading operations, etc.) shall not exceed an opacity of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

F. Facility Emissions

1. The facility shall be restricted to the following annual emissions, based on a calendar year total. The tons per year limits were calculated based on the firing of 200,000 gal/year of #2 fuel oil.

Total Licensed Annual Emissions for the Facility Tons/year

(used to calculate the annual license fee)

	PM	PM ₁₀	SO_2	NO _x	CO	VOC
Asphalt Plant & Heater	1.2	1.2	7.1	2.0	4.8	1.2
Total TPY	1.2	1.2	7.1	2.0	4.8	1.2

2. Greenhouse Gases

Greenhouse gases are considered regulated pollutants as of January 2, 2011 through 'Tailoring' revisions made to EPA's *Approval and Promulgation of Implementation Plans*, 40 CFR Part 52, Subpart A, §52.21 Prevention of Significant Deterioration of Air Quality rule. "Greenhouse gases" as defined in 06-096 CMR 100 (as amended) means the aggregate group of the following gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Greenhouse gases (GHG) for purposes of licensing are calculated and reported as carbon dioxide equivalents (CO₂ e).

Based on the facility's fuel use limit(s), the worst case emission factors from AP-42, IPCC (Intergovernmental Panel on Climate Change), and *Mandatory Greenhouse Gas Reporting*, 40 CFR Part 98, and the global warming potentials contained in 40 CFR Part 98, the facility is below the major source threshold of 100,000 tons of CO₂e per year. Therefore, no additional licensing requirements are needed to address GHG emissions at this time.

III.AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source shall be determined by the Department on a case-by case basis. In accordance with 06-096 CMR 115, an ambient air quality impact analysis is not required for a minor source if the total emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

<u>Pollutant</u>	Tons/Year
PM ₁₀	25
SO_2	50
NO_x	50
CO	250

The total facility licensed emissions are below the emission levels contained in the table above and there are no extenuating circumstances; therefore, an ambient air quality impact analysis is not required as part of this license.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-1097-71-A-N subject to the following conditions.

<u>Severability</u>. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S.A. §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]

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(3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]

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- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353-A. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:

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- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
- B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
- C. submit a written report to the Department within thirty (30) days from date of test completion.

[06-096 CMR 115]

- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
 - A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and

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conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]

(15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

(16) Drum Mix Asphalt Plant (80 tons/hr)

A. Fuel Use

- 1. The facility shall be limited to the use of a total of 200,000 gallons on a calendar year total of #2 fuel oil in the hot mix asphalt plant. Fuel use for the Asphalt Heater shall be included in this fuel limit.

 [06-096 CMR 115, BACT]
- 2. Prior to July 1, 2016 or by the date specified in 38 MRSA §603-A(2)(A)(3), the fuel oil fired in the asphalt plant shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning July 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). [06-096 CMR 115, BACT and 38 MRSA §603-A(2)(A)(3)]
- 3. Fuel use records and receipts for the hot mix asphalt plant shall be maintained for at least six years and made available to the Department upon request. Fuel use records shall be kept on a calendar year basis. [06-096 CMR 115, BACT]
- B. Emissions from the Drum Mix Asphalt Plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BACT]
- C. The performance of the baghouse shall be constantly monitored by either one of the following at all times the Drum Mix Asphalt Plant is operating [06-096 CMR 115, BACT]:

- 1. PM detector when the detector signals excessive PM concentrations in the exhaust stream, the facility shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
- 2. Personnel with a current EPA Method 9 visible emissions certification when the opacity exceeds 20%, the asphalt plant is operating with insufficient control and corrective action shall be taken immediately.
- D. To document maintenance of the baghouse, the licensee shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BACT]
- E. Emissions from the asphalt plant baghouse shall not exceed the following [06-096 CMR 115, BACT]:

<u>Pollutant</u>	grs/dscf	<u>lb/hr</u>	
PM	0.03	2.72	
PM_{10}	-	2.72	
SO_2		15.44	
NO _X	-	4.40	
CO	-	10.40	
VOC	-	2.56	

- F. Opacity from the baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- G. General process emissions from the hot mix asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101]
- H. The Drum Mix Asphalt Plant is subject to 40 CFR Part 60 Subparts A and I, and Samuel Patterson shall comply with all applicable requirements, including the notification and recordkeeping requirements of 40 CFR Part 60.7 and the initial performance test requirements of 40 CFR Part 60.8 (testing within 60 days after achieving the maximum operation production rate, but not later than 180 days after initial startup).
- I. The facility may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department at least

24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil. [38 MSRA §608-A, and 06-096 CMR 115, BPT]

(17) Asphalt Heater

- A. Fuel use for the Asphalt Heater shall be included in the annual fuel limit for the asphalt plant. [06-096 CMR 115, BACT]
- B. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Unit	(lb/hr)	(lb/hr)	(lb/hr)	(lb/hr)	(lb/hr)	(lb/hr)
Asphalt Heater	0.08	0.08	0.51	0.15	0.04	neg

C. Visible emissions from the Asphalt Heater shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

(18) Stockpiles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(19) General Process Sources

Visible emissions from any general process (conveyor belts, bucket elevators, bagging operations, truck loading operations, etc.) shall not exceed an opacity of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 115, BACT]

(20) Equipment Relocation [06-096 CMR 115, BPT]

A. Samuel Patterson shall notify the Bureau of Air Quality, by a written notification, prior to relocation of any equipment carried on this license. It is preferred for notice of relocation to be submitted through the Department's on-line e-notice at: www.maine.gov/dep/air/compliance/forms/relocation

Written notice may also be sent by fax (207-287-7641) or mail. Notification sent by mail shall be sent to the address below:

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Attn: Relocation Notice Maine DEP Bureau of Air Quality 17 State House Station Augusta, ME 04333-0017

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment.

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.
- (21) Samuel Patterson shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]
- (22) Samuel Patterson shall notify the Department within 48 hours and submit a report to the Department on a <u>quarterly basis</u> if a malfunction or breakdown in any component causes a violation of any emission standard [38 M.R.S.A. §605].

Done and dated in Augusta, maine this 4 day of June , 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PATRICIA W. AHO, COMMISSIONER

The term of this license shall be ten (10) years from the signature date above.

[Note: If a complete renewal application, as determined by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 MRSA §10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the renewal of the license.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 4/23/14
Date of application acceptance: 4/30/14

Date filed with the Board of Environmental Protection:

This Order prepared by Lynn Poland, Bureau of Air Quality.

Filed
JUN 0 6 2014
State of Maine
Board of Environmental Protection